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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 002383

SIPDIS

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SUBJECT: US FORCES IN BAGHDAD IMPLEMENT LARGE-SCALE HUMAN RIGHTS INITIATIVES

REF: SECSTATE 99939

Classified By: Classified by Political-Military Counselor
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SUMMARY

1. (SBU) The U.S. Army's Third Infantry Division (3ID) is running a comprehensive program of practical rule-of-law initiatives to train, monitor, and encourage human rights practices amongst its Iraqi Security Force (ISF) partners in Baghdad (a program list is provided in para 8). Both Post and MNF-I have commenced work with various partners in the Iraqi Transitional Government (ITG) to establish the legal bases of existing and future ISF detentions. We have found ITG officials eager to deconflict currently contentious and ambiguous detention authorities and ensure that clear lines of accountability exist.

BACKGROUND

2. (SBU) Recent international criticism of ISF human rights practices has alleged violations in two primary areas: first, physical abuse - ranging from overcrowding to repeated beatings and torture - of individuals detained by Iraqi MoD and MoI security forces, and secondly, the large-scale practice of detention without appropriate judicial oversight.

3. (SBU) (Note: Under the Transitional Administrative Law (TAL), Iraqi Police (IPS) reporting to MoI are authorized to "detain" individuals post-arrest, but are normally required to bring the detainee before an investigative judge within 24 hours; the TAL does not provide either Iraqi Army and National Guard troops reporting to MoD or Iraqi Police reporting to MOI a right of extra-judicial detention similar to that enjoyed by the Coalition under the terms of UNSCR 1546, although it can be argued that the TAL may permit a form of security detention subject to judicial review.)

4. (U) 3ID has recorded 57 allegations of physical abuse of civilians in ISF custody since it arrived in Baghdad on February 27, 2005, and has substantiated 27 reports through the physical examination of detainees. In response, the division has designed and staffed a large-scale rule of law initiative, described in para 8 below, aimed at training and monitoring good human rights practice in ISF facilities across Baghdad.

5. (SBU) At the same time, various ITG ministries are examining ways to establish clear legal authorities for the temporary ISF detentions necessitated by the growing and increasingly independent Iraqi role in fighting the insurgency. Iraqi officials have expressed keen interest in "normalizing" the current ISF detention situation, in which military imperatives and civilian criminal codes met imperfectly. Post plans to enage in this dialogue, as requested in Reftel.

COALITION MONITORING OF ISF ABUSE

6. (U) All MNF-I units in the field are instructed to take all necessary action to stop or prevent any observed or suspected physical or mental abuse (defined as "any physical or mental abuse that poses a threat of serious injury or death"), and to report incidents rapidly up the chain of Coalition command. These are then reported by formal letter from the Commanding General, MNF-I to the relevant Iraqi Minister (Interior or Defense).

7. (U) In Baghdad, 3ID offers detainees alleging abuse by ISF an extensive medical examination. Abuse allegations are investigated by a 3ID Commander's Inquiry; the 3ID Chief Counsel, Detainee Operations (CCDO), maintains a database on investigation results, which are reported monthly to the 3ID division commander. When abuse allegations are substantiated after investigation, 3ID

engages ISF unit commanders and presses them to cease abusive practices.

3ID TRAINING INITIATIVES IN BAGHDAD

18. (U) Currently, 3ID units reinforce human rights training with programs designed to help inexperienced ISF officers institute protocols and procedures that meet internationally-accepted human rights standards:

OPERATION EN-SANIA (Humanity), managed in conjunction with the Iraqi Bar and Baghdad Law School, acquaints Iraqi Armed Forces (IAF) personnel with human rights principles, encourages senior IAF leadership to prioritize the protection of prisoners, and provides practical training to individual Iraqi interrogators and guards. Training has been provided for over 80 interrogators and facility personnel; 3ID intends to extend this training to the Iraqi Police Service.

OPERATION HAMMURABI II aims to strengthen the Iraqi court and police systems by training Iraqi Security Forces in non-coercive investigation procedures.

THE PROVOST MARSHALL'S OFFICE TRAINING PROGRAM, a 40-hour course focused on the 1st Iraqi Army Brigade (1/6 IA), teaches basic military detention facility operations with an emphasis on professionalism and proper treatment of prisoners.

JUDGE ADVOCATE (JA) TRAINING puts 3ID JAs together with their ISF counterparts to train new recruits in human rights practices.

THE INFORMATION OUTREACH CAMPAIGN encourages reliance upon the Iraqi judicial system as a guardian of human rights. 3ID distributes a booklet, "Principles of Human Rights," and other human rights training material to the Iraqi Army and Police. The campaign also uses TV and radio to promote the Iraqi judicial system as the single legitimate means of prosecuting insurgents. A local radio show, "The Citizen and the Law," will also promote the rule of law by answering ordinary Iraqis' legal questions.

ADVANCING THE RULE OF LAW THROUGH THE MiTT TEAMS: 3ID gives all ISF recruits a packet of basic legal instruction on the laws of war, the rules of engagement, and human rights. A Military Training Team (MiTTs) JA works with the 6th IA Division JAG and other command staff to emphasize prisoner protections and the rule of law. 3ID is also using its MiTTs to institute ISF reporting and investigation of incidents of abuse.

GUIDANCE IN THE DEVELOPMENT OF DETENTION OPERATIONS: 3ID is urging 1/6 IA towards acceptance of a Model Apprehension and Detention Standard Operating Procedures (SOP). The SOPs provide for the humane treatment of all prisoners, quick and effective processing from point of capture until eventual incarceration, and detailed guidance on detention operations.

ESTABLISHMENT OF LEGAL AUTHORITIES

19. (SBU) The ITG has expressed increasing awareness that the growing Iraqi role in conducting military operations has strained its current legal and physical capacity for detention. Increasingly, Iraqi military forces retain custody of prisoners arrested during kinetic operations because Iraqi Police holding cells are full; IPS, in turn, complain that intimidation and weak court infrastructure make it hard to locate investigative judges with the authority to issue detention orders.

110. (SBU) The ITG is showing growing interest in practical initiatives to increase correctional and judicial capacity. The Minister of Interior has recently requested Coalition assistance in procuring additional temporary holding cells; the Iraqi Army is working with 3ID and the Central Criminal Court of Iraq (CCCI) to bring investigative judges directly to MoD holding facilities to conduct hearings.

COMMENT

11. (C) The security mechanisms of intimidation, abuse, and disregard for independent judicial authority established under the former regime have shaped the basic worldview of millions of Iraqis, including members of the current ISF. We will see more allegations of abuse committed by ISF, and expect the number of incident reports to rise with the deployment of MiTTs armed with stringent reporting requirements to ISF units.

12. (C) However, the care and energy put by 3ID and other MNF-I components into practical human rights training and monitoring programs gives cause for hope, as does the interest of the ITG in establishing a clear legal basis for ISF detentions. Post and MNF-I intend to work these two critical elements of good rule-of-law practice in tandem, and will provide regular updated reporting on ISF and ITG progress.

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